

CITY OF ROLLING HILLS ESTATES
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE NO. 650

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ESTABLISHING A WATER CONSERVATION AND WATER SHORTAGE MANAGEMENT PLAN AND AMENDING THE ROLLING HILLS ESTATES MUNICIPAL CODE BY REPEALING CODE SECTION 13.04 AND REPLACING IT WITH NEW CODE SECTIONS 13.04.010 TO 13.04.130

WHEREAS, as recently called upon by Governor Arnold Schwarzenegger in his proclamation of a statewide drought, local governments will have to increase their involvement in reducing their total water demand; and

WHEREAS, West Basin Municipal Water District, after detailed research and peer review of other successful city water conservation ordinances, has assisted in this effort by preparing several draft model ordinances for cities to use or modify to address water conservation; and

WHEREAS, a reliable, minimum supply of quality potable water is essential to the welfare of the people and economy of the City of Rolling Hills Estates ("City"); and

WHEREAS, responsible management of water supplies is wise and prudent for both water supply reliability and environmental stewardship;

WHEREAS, effective and equitable management of limited water supplies during a water supply shortage minimizes the impact on the people and economy of the City; and

WHEREAS, on December 8, 2008, the City of Rolling Hills Estates Environmental Advisory Committee recommended that the City Council adopt Ordinance No. 650 entitled "Water Conservation and Water Shortage Management Plan"; and

WHEREAS, the City Council, upon giving the required notice did, on the 27th day of January 2009, the 10th day of February 2009, and the 24th day of February 2009, conduct a Public Hearing at which time all interested parties were given full opportunity to be heard and to present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section _13.04 of the Rolling Hills Estates Municipal Code is hereby repealed and replaced with the following Sections 13.04.10 to 13.04.130.

SEC. 13.04.010. Scope and Title.

This article shall be known as The City of Rolling Hills Estates Water Conservation and Water Shortage Management Plan.

SEC. 13.04.020. Declaration of Policy.

It is hereby declared that because of frequent water shortage conditions prevailing in the City of Rolling Hills Estates ("CITY") and in the areas of this State and elsewhere from which the CITY obtains its water supplies, the general welfare requires that the water resources available to the CITY be put to the maximum beneficial use, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and the conservation of such water is to be exercised with a view to the reasonable and beneficial use thereof in the interests of the people of the CITY.

SEC. 13.04.030. Declaration of Purpose.

The purpose of this article is to increase water conservation planning, maximize the use of recycled water and provide a water shortage management plan that maximizes the efficient use of potable and recycled water to minimize the effects of a shortage of water to the CITY and residents thereof and, by means of this section, to adopt provisions that will significantly reduce the consumption of water provided by California Water Service Company, thereby extending available water supplies, while reducing the hardship of the CITY and the general public to the greatest extent possible.

SEC. 13.04.040. Water Conservation.

This ordinance establishes regulations designed to set new standards related to water use efficiency and provides regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of water shortage response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening water shortage conditions and decreasing available supplies.

SEC. 13.04.050. Findings.

The City Council finds and declares:

- (a) The State of California, including the CITY, suffers from periodic water shortage conditions.
- (b) An active water conservation program within the CITY is essential to conserve water resources and to reduce the risk and severity of water shortages when water shortage or natural disaster occurs.
- (c) Emergency water shortage conditions within the State of California and within the CITY can arise on short notice as a result of water shortage or natural disaster. As a result, the residents of the CITY live under an almost constant threat of water shortage. The enactment of a Water Conservation and Water shortage Management Plan as an emergency measure is necessary in order to preserve the public peace, health and safety.
- (d) A Water Conservation and Water shortage Management Plan is necessary to properly manage the region's potable water supply and mitigate the effects of water shortage within the CITY. Such a plan will significantly reduce the long and short term consumption of water, thereby conserving available water for the future requirements of the CITY, while minimizing the hardship caused to the general public to the greatest extent possible.

SEC. 13.04.060. Water Conservation and Water Shortage Management Plan Application.

- (a) The provisions of this ordinance apply to any person or commercial business in the use of any water provided by the CITY's water retailer.
- (b) This ordinance is intended solely to further the conservation of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances or regulations relating to protection of water quality or control of drainage or runoff.
- (c) Nothing in this ordinance shall apply to the use of water that is subject to a special supply program, if applicable.
- (d) The provisions of this ordinance do not apply to the use of water from private wells.

SEC. 13.04.070. Water Shortage Response Level 1 – Water Conservation and Water Shortage Management Plan

A Water Shortage Response Level 1 condition is also referred to as a “Water Conservation and Water Shortage Management Plan” condition. When the CITY notifies its residents and businesses that water conservation measures are necessary due to an expected water shortage or predicted drought, the following water conservation requirements shall apply to all persons within the CITY:

(a) **Watering Hours.** No lawn or landscape area shall be watered between the hours of 10:00 a.m. and 4:00 p.m. on any day. This subsection shall not apply to any drip irrigation system approved by the Director of General Services or if the Director of General Services approves in writing an exemption for irrigation system maintenance, leak repair or new planting of low water usage plants or if reclaimed water is utilized as permitted by law.

(b) **Water Fountains and Decorative Water Features.** No business or residential property owner shall operate a decorative fountain or other decorative water feature that does not recycle or re-circulate the water utilized by the device;

(c) **Anti-Waste Measures.** No person shall:

(1) Permit the excess use, loss or escape of water through breaks, leaks or other malfunctions in the water user’s plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered or corrected. All leaks shall be repaired upon discovery, but no later than within seventy-two (72) hours of notification by the CITY unless other arrangements are made with the CITY.

(2) Wash, clean or clear with water walkways, patios, driveways or parking areas, whether paved or unpaved, except by use of a hand-held bucket or similar container or a hand-held hose equipped with a positive shutoff nozzle or by use of a cleaning machine equipped to recycle any water used. In no event shall any water so used be permitted to run off into streets, alleys or storm drains;

(3) Wash or clean with water any vehicle, including, but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or un-motorized, except by use of a hand-held bucket or similar container or a hose equipped with a positive action quick release shutoff valve or nozzle. This subsection shall not apply to any

commercial car washing facility which utilizes a recycling system to capture or reuse water; and

(4) Excessively water any lawn or landscape area and water shall not be permitted to run off lawns or landscape areas onto any gutters, streets or alleys.

(e) **Eating and Drinking Establishments.** All eating and drinking establishments of any kind whatsoever including, but not limited to, any restaurant, hotel, cafe, cafeteria, bar or club, whether public or private, shall only provide drinking water to any person upon receipt of an express request.

(f) **Eating and Drinking Establishments.** All eating and drinking establishment that require washing or cleaning of kitchen or dining room area flooring shall do so using a hand-held bucket or similar container, a mop using bucket or similar container, or “waterbroom” technologies.

(g) **Hotels, Motels and Bed and Breakfasts.** All hotels, motels, or bed and breakfasts shall provide customers with an option of choosing to have towels and linens laundered daily. The establishment shall prominently display notice of this option in each bathroom and sleeping room using clear and easily understood language.

(h) **Automobile Wash Businesses.** On or after January 1, 2012, all “conveyor” style car wash systems shall have installed water recycling systems and have the system operational, or shall have secured a waiver.

(i) **Exceptions.** The provisions of this Section are not applicable to the uses of water which are necessary to protect public health and safety or for essential governmental services, such as police, fire and other similar emergency services.

SEC. 13.04.080. Water Shortage Response Level 2 – Water Shortage Alert Condition.

(a) A Water shortage Response Level 2 condition is also referred to as a “Water Shortage Alert” condition. A Level 2 condition applies when the CITY notifies its residents and business organizations that due to cutbacks caused by water shortage or other reduction in supplies, a consumer demand reduction of up to 10 percent is required in order to have sufficient supplies available to meet anticipated demands. When such water conditions occur, the CITY shall declare the existence of a

Water Shortage Response Level 2 condition and implement the mandatory Level 2 conservation measures identified in this ordinance.

(b) All persons using CITY water shall comply with the Water Conservation and Water Shortage Management Plan, during a Level 1 Water Shortage Alert, and shall also comply with the following additional conservation measures:

(1) Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the CITY and posted by the CITY. During the months of November through May, landscape irrigation may be limited to no more than once per week on a schedule established by the CITY and posted by the CITY. This section shall not apply to commercial growers or nurseries.

(2) Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including but not limited to: weather based controllers, drip/micro-irrigation systems and stream rotor sprinklers that meet a 70% or greater efficiency standard.

SEC. 13.04.090. Water Shortage Response Level 3 – Water Shortage Critical Condition.

(a) A Water Shortage Response Level 3 condition is also referred to as a “Water Shortage Critical” condition. A Level 3 condition applies when the CITY notifies its residents and business community that due to increasing cutbacks caused by water Shortage or other reduction of supplies, a consumer demand reduction of up to 20 percent is required in order to have sufficient supplies available to meet anticipated demands. When such water conditions occur, the CITY shall declare the existence of a Water Shortage Response Level 3 condition and implement the Level 3 conservation measures identified in this ordinance.

(b) All persons using water shall comply with Level 1 Water Conservation and Water Shortage Management Plan and Level 2 Water Shortage Alert water conservation practices during a Level 3 Water Shortage Critical condition and shall also comply with the following additional mandatory conservation measures:

(1) Limit residential and commercial landscape irrigation to no more than two (2) assigned days per week on a schedule established by the CITY and posted by the CITY. During the months of November

through May, landscape irrigation may be limited to no more than once per week on a schedule established by the CITY and posted by the CITY. This section shall not apply to commercial growers or nurseries.

(2) Water landscaped areas, including trees and shrubs located on residential and commercial properties by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

(3) Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a water shortage response level under this ordinance.

(4) Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

(5) Repair all leaks upon discovery but no later than within forty-eight (48) hours of notification by the CITY unless other arrangements are made with the CITY.

(c) Upon the declaration of a Water Shortage Response Level 3 condition, no new potable water service shall be provided, no new temporary meters or permanent meters shall be provided, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) shall be issued, except under the following circumstances:

- i. A valid, unexpired building permit has been issued for the project; or
- ii. The project is necessary to protect the public's health, safety, and welfare; or
- iii. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of CITY.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

(d) Upon the declaration of a Water Shortage Response Level 3 condition, CITY will suspend consideration of annexations to its service area.

SEC. 13.04.100. Water Shortage Response Level 4 – Water Shortage Emergency Condition.

(a) A Water Shortage Response Level 4 condition is also referred to as a “Water Shortage Emergency” condition. A Level 4 condition applies when the CITY notifies its residents and business community that due to a declaration of a drought or water shortage emergency by either the CITY’s water retailer or the CITY’s water agency pursuant to California Water Code section 350 and in accordance with the procedures specified in California Water Code sections 351 and 352, a demand reduction of more than 20 percent is required in order for the CITY to have maximum supplies available to meet anticipated demands.

(b) All persons using CITY water shall comply with Level 1 Water Conservation and Water Shortage Management Plan, Level 2 Water Shortage Alert, and Level 3 Water Shortage Critical conditions and shall also comply with the following additional mandatory conservation measures:

(1) Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction shall not apply to the following categories of use unless the CITY has determined that recycled water is available and may be lawfully applied to the use.

- i. Maintenance of trees and shrubs that are watered by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
- ii. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
- iii. Maintenance of existing landscaping for erosion control;
- iv. Maintenance of plant materials identified to be rare or essential to the well being of rare animals;
- v. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week;
- vi. Public works projects and actively irrigated environmental mitigation projects.

- vii. Repair all water leaks within twenty-four (24) hours of notification by the CITY unless other arrangements are made with the CITY.

SEC. 13.04.110. Procedures for Determination and Notification of Water Shortage Response Level.

(a) The existence of Water Shortage Response Level 1, Level 2, Level 3 or Level 4 conditions may be declared by resolution of the CITY adopted at a regular or special public meeting held in accordance with State law and with consultation from the CITY's water retailer and wholesaler. The mandatory conservation measures applicable to Water Shortage Response Level 1, Level 2, Level 3 or Level 4 conditions shall take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the CITY shall publish a copy of the resolution in a newspaper used for publication of official notices.

(b) The CITY may declare an end to a Water Shortage Response Level by the adoption of a resolution at any regular or special meeting held in accordance with State law.

SEC. 13.04.120. Hardship Exemption.

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water uses, then the person may apply for an exemption to the requirements provided in this section.

(b) The exemption may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water use due to specific and unique circumstances of the user or the user's property.

(1) **Application.** An application for an exemption shall be in a form prescribed by the CITY and shall be accompanied by a non-refundable processing fee in an amount set by resolution of the CITY.

(2) **Supporting Documentation.** The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

(3) **Required Findings for Exemption.** An application for an exemption shall be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the CITY or its Agent(s), all of the following:

- i. That the exemption does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses;
- ii. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to residents and businesses generally;
- iii. That the authorizing of an exemption will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the CITY to effectuate the purpose of this chapter and will not be detrimental to the public interest; and
- iv. That the condition or situation of the subject property or the intended use of the property for which the exemption is sought is not common, recurrent or general in nature.

(4) **Approval Authority.** The City Manager or designee shall exercise approval authority and act upon any completed application for an exemption no later than 10 days after submittal and may approve, conditionally approve, or deny the exemption request. The applicant requesting the exemption shall be promptly notified in writing of any action taken. Unless specified otherwise at the time an exemption is approved, the exemption applies to the subject property during the term of the mandatory water shortage response.

(5) **Appeals to CITY.** An applicant may appeal a decision or condition of the CITY on an application for an exemption to the City Council within 10 days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the City Council shall act as the approval authority and review the appeal de novo by following the procedure utilized for applications for variances. The decision of the City Council is final.

SEC. 13.04.130. Penalties and remedies.

(a) Any person, who uses, causes to be used, or permits the use of water in violation of this ordinance is guilty of an offense punishable as provided herein.

(1) The first violation of any Section herein shall constitute an infraction whereby a written warning shall be issued to the party or parties witnessed committing the infraction.

(2) The second violation of any Section herein shall constitute an infraction punishable by a fine not to exceed one hundred dollars. Each day that a violation occurs shall constitute a separate offense.

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any persons or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each any every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in accordance with law.

ADOPTED this 24th day of February 2009.

JUDITH MITCHELL, MAYOR

ATTEST:

DOUGLAS R. PRICHARD, CITY CLERK

I, DOUGLAS R. PRICHARD, City Clerk of the City of Rolling Hills Estates, do hereby certify that the foregoing Ordinance No. 650 was introduced and placed upon its first reading at a regular meeting of the City Council

on the 27th day of January 2009, thereafter amended and introduced and placed upon a first reading at a regular meeting of the City Council on the 10th day of February, and was duly adopted and passed at a regular meeting of the City Council on the 24th day of February 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I FURTHER CERTIFY that said Ordinance was thereon signed by the Mayor of the City of Rolling Hills Estates.

DOUGLAS R. PRICHARD, CITY CLERK